

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

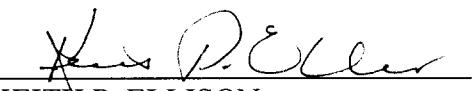
MICHAEL L. GROS, M.D. and JANIE §  
GROS; ANDREW MICHAEL GROS; §  
THOMAS ALAN GROS; and all other §  
similarly situated §  
§  
Plaintiffs, §  
VS. § CIVIL ACTION NO. H-04-4665  
§  
THE UNITED STATES OF AMERICA, §  
§  
§  
Defendant. §

**MEMORANDUM AND ORDER**

On September 27, 2005, this Court granted Defendant's motion to dismiss all claims asserted by Plaintiffs Michael Gros and all claims derivative of Michael Gros's claims. (See Docket No. 16.) Mr. Gros now moves for certification for immediate appeal, pursuant to FED. R. CIV. P. 54(b). After considering the parties' filings and oral arguments and the applicable law, the Court finds that the hardships attendant upon a delay do not justify 54(b) certification. Mr. Gros's motion, Docket No. 24, is therefore **DENIED.**

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 1<sup>st</sup> day of Feb., 2006.

  
\_\_\_\_\_  
**KEITH P. ELLISON**  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AffECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**